

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *CG* D.C.  
05 JUN 30 PM 2:41  
THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

JEFFERSON D. GILDER, individually and on  
behalf of the heirs of ROBERT G. GILDER;

Plaintiff,

vs.

VENCOR NURSING CENTERS LIMITED  
PARTNERSHIP, k/n/a KINDRED NURSING  
CENTERS LIMITED PARTNERSHIP,  
d/b/a Cordova Rehabilitation and  
Nursing Center;

Defendant.

No. 2:04-cv-2852-D/V

**JOINT ~~PROPOSED~~ SCHEDULING ORDER**

The undersigned counsel for the parties have conferred in accordance with the Court's Notice of Setting of Scheduling Conference (docket entry 26), and agreed upon the following dates to be established as the final dates for:

1. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1): January 26, 2005.
2. Joining parties: July 15, 2005.
3. Amending pleadings: July 15, 2005.
4. Initial Motions to Dismiss: August 15, 2005.
5. Completing all discovery: November 18, 2005.

(a) Document Production, interrogatories, and request for admission:  
November 18, 2005.

(b) Expert witness disclosure (Rule 26):

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 7-6-05

- (i) Disclosure of Plaintiff's Rule 26 expert information: September 19, 2005.
- (ii) Disclosure of Defendants' Rule 26 expert information: October 18, 2005.
- (c) Depositions: November 18, 2005.
- 6. Filing dispositive motions: December 16, 2005.
- 7. Other relevant matters:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within thirty (30) days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within thirty (30) days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last approximately one week. The pretrial order date, pretrial conference date and trial date will be set by the presiding judge.

This case may be appropriate for ADR. The parties agree to cooperate in evaluating, after the close of discovery, whether the case is appropriate for ADR.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60, shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

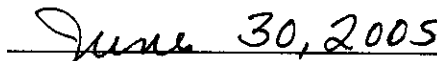
The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

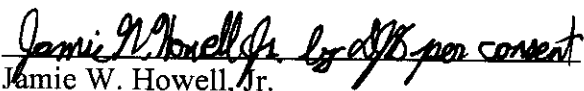


Diane K. Vescovo  
United States Magistrate Judge

  
Date

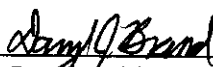
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## Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 2:04-CV-02852 was distributed by fax, mail, or direct printing on July 6, 2005 to the parties listed.

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Honorable Bernice Donald  
US DISTRICT COURT